



18 SEP 2007

Patent Services Department
Cooper Cameron Corporation
P.O. Box 1212
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In re Application of :
DELVES, et al. : DECISION ON PETITION
Application No.: 10/573,716 :
PCT No.: PCT/GB04/04145 : UNDER 37 CFR 1.47(b)
Int. Filing Date: 28 September 2004 :
Priority Date: 29 September 2003 :
Atty Docket No.: DPS-030810 :
For: APPARATUS FOR ENHANCING SOLUBILITY :

This decision is in response to the "Petition In Support of Application Filed Under 37 CFR §1.47(b) And Fees Under 37 CFR §1.17(g)" filed 16 April 2007 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 28 September 2004, applicant filed international application PCT/GB04/04145, which claimed a priority date of 29 September 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 07 April 2005. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 29 March 2006.

On 28 March 2006, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee and a first preliminary amendment.

On 27 November 2006, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide an executed oath or declaration of the inventor, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 16 April 2007, applicant responded with the present petition accompanied by a petition for a three-month extension of time. With the filing of the petition for three-month extension of time and payment of the appropriate extension of time fee, applicant's present filing is considered timely filed.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(g); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the non-signing inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as an agent for the non-signing inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. Applicant has satisfied items all six items.

As to item (1), applicant has provided payment of the \$200.00 petition fee.

Regarding item (2), applicant has provided evidence that complete sets of the application papers were mailed to the inventors and to date executed oaths or declarations have not been returned.

As to item (3), applicant has supplied the last known addresses of the non-signing inventors.

Regarding item (4), applicant has filed a declaration executed by Mr. Manish B. Vyas, an authorized agent for the assignee KCC Group Limited. The declaration complies with 37 CFR 1.497(a)-(b) in that the declaration provides the relationship of Mr. Vyas to the non-signing inventors. In addition, applicant has provided exhibits making clear the authority of Mr. Vyas to executed documents on the behalf of KCC Group Limited.

As to item (5), applicant has provided, pursuant to MPEP 409.03 (f), a legal memorandum from Mr. Noel Akers, a chartered patent attorney in the subject jurisdiction. The memorandum is accompanied by a copy of the relevant patent statute. In addition, the memorandum includes an analysis of the facts specific to the above-captioned application. These facts are made of record from the accompanying declaration of Mr. Paul W. Webb.

Regarding item (6), applicant has shown that the granting of the present petition is necessary to preserve the rights of the parties or to prevent irreparable damages.

As such, it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(b) is **GRANTED**.

The application has an international filing date of 28 September 2004 under 35 U.S.C. 363, and will be given a date of **16 April 2007** under 35 U.S.C. 371 (c).

As provided in 37 CFR 1.47(c), a notice of the filing of this application will be forwarded to the non-signing inventors at their last known addresses of record.

A notice of the filing of the application under 37 CFR 1.47(b) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision.

A handwritten signature in black ink, appearing to read 'Derek A. Putonen', with a stylized, cursive script.

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